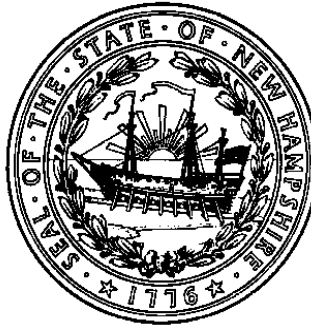


THE STATE OF NEW HAMPSHIRE



OFFICE OF THE ATTORNEY GENERAL

CHILD ABUSE AND NEGLECT

LAW ENFORCEMENT/DCYF: A MODEL FOR JOINT INVESTIGATION AND ASSESSMENT

**A Publication of the Attorney General's Task Force
on Child Abuse and Neglect**

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PREFACE

Child abuse and neglect is a widespread problem in our society. In 2000, approximately 7,000 reports of suspected child abuse and neglect were assessed by the New Hampshire Division for Children, Youth and Families (DCYF), the state child protection agency legally mandated to assess reports of child abuse and neglect. This number is particularly staggering when compared to years past: in 1976, DCYF assessed 833 cases of suspected child abuse/neglect; in 1981, 2,714 cases.

The complexity of these reports requires cooperative efforts by all professionals involved, not only to assess reports, but also to assist those referred and in need of supportive intervention. No one person or agency can effectively deal with the issues of child abuse and neglect.

While DCYF is mandated to assess all reports alleging child abuse and/or neglect, New Hampshire statutes require that in cases in which child sexual abuse and/or severe physical abuse has been alleged, both DCYF and law enforcement are responsible for assessing the situation. Although these specific types of reports constitute a small percentage of each agency's caseload, they represent the most difficult cases, both for the family, and the professionals involved. Because of the complexity of these cases and the mandate that both agencies assess them, the following protocol has been developed.

The criminal justice system, particularly state and local law enforcement and County Attorney's Offices, is responsible for investigating serious physical abuse and all sexual abuse reports, to determine whether a crime has been committed and whether to bring charges against the offender.

Concurrently, DCYF is mandated to assess reports of child maltreatment to determine if children are abused or neglected, to assure child safety and to promote child well being. Further, DCYF is charged with working with families to establish goals to strengthen families and assist them to keep children safe.

HISTORY OF THE CHILD ABUSE AND NEGLECT PROTOCOL PROJECT

The Attorney General's Task Force on Child Abuse and Neglect is comprised of professionals from throughout the state, representing the many disciplines involved in the field of child maltreatment. The Task Force was established in 1989 with statewide representation from the medical, mental health, legal, law enforcement, victim advocacy, forensic science, and child protection communities. The Task Force was created to focus specifically on the problem of child maltreatment in New Hampshire. The first three years were spent evaluating the systems response to child maltreatment and developing guidelines to assist professionals. Tireless efforts, on the part of many, produced a 600 page, precedent setting Protocol titled: *Child Abuse and Neglect: Protocols for the Identification, Reporting, Investigation, Prosecution and Treatment.* In April of 1993, a two-day statewide training conference was presented to a multidisciplinary audience to introduce the Protocol.

In addition to developing and revising the Protocols, the Task Force continues to sponsor an annual conference and intensive multidisciplinary and discipline-specific training programs for professionals statewide. Other projects funded by the Task Force include support for the New Hampshire Child Fatality Review Committee; court publications for children and teens; interview room set-up; and the Sexual Assault Nurse Examiner (SANE) Child Abuse Training.

In 1998, a Protocol Revision Committee was convened to revise the Law Enforcement/DCYF Protocol. Under the direction and leadership of Lieutenant James Brown of the Newport Police Department and Sylvia Gale from DCYF, the Committee has updated and produced this comprehensive manual designed to assist law enforcement agencies and DCYF child protective service workers in the joint investigation and assessment of suspected cases of child abuse.

The Committee encourages duplication and distribution of this Protocol to broaden efforts to improve the multidisciplinary response to child abuse and neglect.

THE ATTORNEY GENERAL'S

TASK FORCE ON CHILD ABUSE AND NEGLECT

The Honorable Philip T. McLaughlin
Attorney General, State of New Hampshire

Chair: Sandra Matheson, Director
Office of Victim/Witness Assistance
Attorney General's Office

Kathryn Adler, MSCJ, Director
Seacoast Child Advocacy Center

Thomas Andrew, MD
New Hampshire Chief Medical Examiner

Bernie Bluhm, MSW
Division for Children, Youth and Families

Lt. James Brown
Newport Police Department

Honorable Martha Crocker
New Hampshire District Court

Jo Davidson, MS, CCMHC

Edward DeForrest, PhD, former CEO
Spaulding Youth Center Foundation

Joan Fossum, Education Consultant
New Hampshire Department of Education

Sylvia Gale, Supervisor
Division for Children, Youth and Families

Wendy Gladstone, MD
Exeter Pediatric Associates

Robin Gordon, JD
Carroll County Attorney

Anne Grossi, MSW, MEd, CCSW
CLM Behavioral Health

Karen Hebert, Director
Carroll County Victim Assistance Program

Detective Kathleen Kimball
Major Crimes Unit - NH State Police

Kristy Lamont, JD
NH Court Improvement Project

Grace Mattern, Executive Director
NH Coalition Against Domestic and
Sexual Violence

Det. James McLaughlin
Keene Police Department

Catherine McNaughton, Director
Hillsborough County Victim/Witness Program

Cheryl Molloy, Executive Director
Prevent Child Abuse New Hampshire

Deb Pullin, CPNP
Dartmouth Hitchcock Medical Center

Marcia Sink, Executive Director
CASA of New Hampshire

Lincoln Soldati, JD
Jeffco, Starbranch and Soldati

Carole Stashwick, MD, PhD
Dartmouth Hitchcock Medical Center

Earl Sweeney, Director
NH Police Standards and Training Council

Jennifer Weeks, RN, Coordinator
NH SANE Program

Susan Whitford, MSTD
Community Member

<p>LAW ENFORCEMENT/DCYF PROTOCOL REVISION COMMITTEE</p>
--

Lieutenant James Brown
Newport Police Department

Sylvia Gale, Supervisor
Division for Children, Youth and Families

Major Keith Lohmann
New Hampshire Police Standards and Training

Sandra Matheson, Director
State Office of Victim/Witness Assistance

John McDermott, Juvenile Justice Administrator
Division for Children, Youth and Families

Cynthia Hambrook, former Program Specialist
Attorney General's Office

Mary Thayer, Administrative Assistant
Attorney General's Office

PURPOSE STATEMENT

This Protocol focuses specifically on Child Protective Service Workers (CPSW) and law enforcement officials and the goals and procedures necessary to successfully assess and investigate reports of child abuse, utilizing joint/cooperative intervention. Recognition of the diversity of roles, responsibilities and philosophies, coupled with cooperation, mutual respect and understanding, will result in a professional assessment with the least amount of trauma to the children and families involved.

In order to achieve an effective, successful response to child abuse and neglect, it is recommended that DCYF and law enforcement personnel utilize the following goals and procedures. Recognizing that individual agencies have varying available resources, this document represents a model - an ideal - for joint DCYF/law enforcement assessment/investigation of child abuse cases.

TRAINING

Child abuse investigations/assessments are complex cases that require sophisticated interdisciplinary intervention. It is critical that any law enforcement officer or CPSW who handles a child abuse case be properly trained to do so, be comfortable in dealing with children, and be willing to work together cooperatively. Recommended training should include applicable laws and court procedures, offender motivation, victim responses, interview techniques, investigation/assessment strategies, evidence recognition and collection, interrogation techniques and resources and services available. Continuing education and skill-enhancement is critical for the development of expertise.

REPORTING

A. HOW TO REPORT

Incidents may be referred to DCYF by telephone at **1-800-894-5533**, by facsimile at **603-271-6565**, in writing or in person to the Central Intake office. After regular business hours, child abuse emergencies are to be referred to the local law enforcement agency.

In an emergency, life-threatening situation, a violent or near violent situation, **9-1-1** should be called for an immediate police response. The statewide enhanced **9-1-1** system will automatically connect the caller to the proper law enforcement agency from which the call originates.

Generally, when law enforcement has taken protective custody of a child and has received approval from a District or Family Court Justice for placement, the officer should contact HELPLINE at **1-800-852-3388**, for the location of a licensed foster home available to receive children. HELPLINE is a non-profit information and referral agency contracted by DCYF to provide law enforcement information and placement availability.

B. WHO REPORTS

In accordance with New Hampshire RSA 169-C:29 (Appendix A), information by any citizen regarding the suspected abuse or neglect of a child is not confidential and must be reported to the child protection agency, DCYF. The law specifically states:

“Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science practitioner, teacher, school official, school nurse, school counselor, social worker, day care worker, any other child or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.”

Failure to comply with this law is a misdemeanor offense under RSA 169-C:39.

If an oral report is made by a professional, Central Intake may request that the caller provide a follow-up written report to be sent to DCYF within 48 hours (RSA 169-C:30). This may be sent via facsimile to **603-271-6565** or by mail.

C. WHAT TO REPORT

Central Intake will attempt to gather as much information as possible from the referral source in order to determine the presence of risk, what has occurred, or what may occur to affect a child or family, the presence of injuries, who may have caused those injuries and the family dynamics. As much detail as possible regarding the incident and the family is sought, including:

1. Content of the Report

- Who was involved?
- What happened?
- Where did it occur?
- When? How often?
- Number of incidents?
- Degree of current risk?
- Child's need for medical attention?
- Is alcohol or substance abuse a factor in the household?
- Is domestic violence a factor in the home?
- How do you know?

2. The Child

- What is the child's full name, date of birth, gender?
- Where is the child now?

- With whom does the child live?
- How long will the child be at that location?
- Is the child in school or other daytime program?
- School, grade, name and address of the program or school?
- What is the child's home address and phone number?
- What is the child's relationship to offender?
- Any disabilities (physical, mental, etc.) or special needs?
- What is the child's level of maturity?
- Are there family/friends/religious institutions available as support?

3. The Alleged Abuser

- Full name, date of birth, gender?
- Where can he/she be reached now?
- Place of employment and phone number?
- Home address and phone number?
- Current relationship to child/subject of the report?
- When and how does he/she have access to the child?
- Access to other children?
- Personal history and personality?
- Is there a history of mental or emotional disabilities or drug or alcohol abuse?
- Any history of violent criminal behavior or domestic violence?
- Is he/she aware of the referral?
- Who else can provide information on this person?

4. The Non Offending Parent/Caregiver

- Full name, date of birth, gender?
- Place of employment and phone number?
- Home address and phone number?
- Where can he/she be contacted now?
- Current relationship to the offender?
- Any knowledge of abusive occurrences?
- Actions or lack of actions (if aware of abusive incidents)?
- Does parent demonstrate the ability to protect child from offender (referrer's opinion)?
- Are there extended family/friends/religious institutions available as support?

5. Siblings, Other Children in the Home

- Names, dates of birth, genders?
- School (grade) or day programs being attended?
- Current whereabouts?
- Have siblings also been involved?
- Are siblings aware of abuse?

- Is there anything else about this child that concerns the referrer (e.g., unusual behavior observed)?

6. Other Household Members

- Names, ages, genders, relationships, involvement in or knowledge of alleged abuse?

7. Referral Source (Reports may be made anonymously.)

- Name, address, phone number?
- Relationship to family?
- How does source know of the abuse?
- Was it observed directly?
- How does source think family will react to the assessment?
- Does referrer have any recommendations on how to proceed with the assessment?
- Why was referral made now?
- Any other individuals who know of the situation? How to contact?
- Can referrer add additional insights concerning family relationships and interactions?

D. IMMUNITY

New Hampshire requires the reporting of ALL suspected child abuse and neglect. Absolute proof of abuse or neglect is not required before reporting. Those who are uncertain about reporting because of concern regarding the legal consequences of their action should make a “good faith” decision. New Hampshire law provides protection against civil and criminal liability if a citizen makes a “good faith” report.

In accordance with RSA 169-C:31: “Anyone participating in good faith in the making of a report pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.”

E. DOES A REPORT MEAN A CHILD WILL BE TAKEN AWAY?

The vast majority of reports of child abuse do not result in children being removed from their families. The first goal of DCYF is to enable children to remain safely in their own homes by providing support services to reduce the risk to the child. When this is not possible, the CPSW must protect the child's safety by petitioning the appropriate district court. When necessary, the court will order the removal and placement of the child in an alternate setting. A CPSW cannot remove a child without a court order.

In cases in which the child is in imminent danger and a court order cannot be secured immediately, law enforcement may take protective custody of a child in accordance with RSA 169-C:6. A district court hearing must take place within 24 hours of the child being taken into protective custody, Saturdays, Sundays and holidays excluded.

If a child must be separated from his or her family, the priority is to reunify the child to the family as soon as appropriate and possible. Every effort is made to help resolve the problems that resulted in the abuse without disrupting family life. The family centered service plan for every child placed outside his or her home must be reviewed and approved by a district court.

F. THE MEDICAL PROFESSIONAL

When the referral is made by a medical professional, additional information may include but is not limited to:

- A complete medical description of sustained injuries – location, size, severity;
- Explanations provided by family members (child, the offender, others) about the injuries;
- The credibility and feasibility of explanations provided by family members (do the injuries match the explanations provided?);
- Direct observations of parent-child interactions (while in hospital emergency room, physician's office, etc.);
- Concerns and recommendations; and
- Availability of medical reports, hospital charts, or any other pertinent medical information.

G. THE EDUCATION PROFESSIONAL

Teachers and other education professionals may be key contacts in that they interact with the child on a daily basis, over an extended period of time. A child's current behavior at school can be compared to his or her behavior during the previous school year (e.g., child's school record indicates last year he or she was motivated and earned good grades, while this year he or she is frequently absent, acts anti-socially, is quiet, seems preoccupied or depressed). These behaviors can be compared to events in the child's life outside of school in an effort to better understand what is happening in the home (e.g., parent recently remarried, child may be reacting to stepparent's presence or influence).

An observant teacher may be aware of how a child behaves, whom he or she chooses for his or her friends, how his or her behavior, attitudes, achievements and personal growth compare to other children his or her age. A teacher can meet with parents to discuss these matters. Then, after assessing the family system, support and assistance can be provided to the family. A variety of circumstances can affect a child's behavior. Not all changes are indicative of child abuse or neglect.

When the reporter of the suspected abuse or neglect is an educator (teacher, guidance counselor, child study team member) the information sought includes:

- The child's progress and achievement in school;
- Observable behaviors and changes over time, including day-to-day behaviors, attitudes, social interactions with adults and peers;
- Characteristics of child's friends in school (whether they are aggressive, act out, "always in trouble," only same sex peers, all younger than child, no friends);
- Any history of observable injuries and any explanations provided by child;

- Any unusual behaviors noted (e.g., on hot days the child wears long-sleeved shirts and keeps the sleeves rolled down; child refuses to change into gym clothes for unknown reasons; child over-reacts when health class discussed the dynamics of incest);
- Availability of psychological evaluations, diagnostic materials, and other tests;
- Circumstances precipitating the referral; and
- Parental involvement.

H. THE MENTAL HEALTH PROFESSIONAL

When a mental health professional reports abuse, the CPSW should strive to meet with the therapist in person to elicit the therapist's help in contacting and interviewing the family. When possible, efforts are made to preserve and reinforce the working therapeutic relationship between the mental health practitioner and the child or client family.

When the referral is made by a mental health professional and an authorization for release of information can be secured from a parent or guardian of the child(ren), additional information may include:

- The child's or parent's diagnosis;
- The child's or parent's commitment to and progress in therapy;
- The purpose of therapy (initial identified problem);
- The therapist's insights into the individual's and family's functioning; and
- The history of therapy, prior treatment, length of current treatment, and frequency of sessions.

THE ROLE OF DCYF AND LAW ENFORCEMENT

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
DCYF is the agency mandated by RSA 169:C:34, II to assess allegations of child abuse and/or neglect "to determine whether there is evidence to believe that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse or neglect, and any evidence thereof, and a determination of a person or persons apparently responsible for the abuse or neglect, and determine the immediate and long term risk to each child if the child remains in the existing home environment and determine the protective treatment necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children." Services will be provided in the least intrusive manner possible	<p>The duty of law enforcement is to uphold the Constitution and enforce the laws of the United States and the State of New Hampshire. Law enforcement will determine what crime, if any has occurred. Child abuse can involve criminal acts under the homicide, kidnapping, sexual assault, assault or offenses against families' statutes of the New Hampshire Criminal Code.</p> <p>If law enforcement determines that a criminal act has not occurred, the investigation may still result in the filing of a civil abuse or neglect petition which law enforcement will support. It is critical to establishing the facts and to the ultimate administration of justice, that the law enforcement investigation be complete, objective and professional.</p>

while respecting the dignity of the families that are serviced.

A. INTERAGENCY REPORTING

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
<p>In accordance with RSA 169-C:38, DCYF must immediately report to law enforcement all cases in which DCYF has reason to believe that any person under the age of eighteen (18) years has been:</p> <ul style="list-style-type: none"> • Sexually molested; • Sexually exploited; • Intentionally physically injured so as to cause serious bodily injury; • Physically injured by other than accidental means so as to cause serious bodily injury; or • A victim of a crime. <p>DCYF must refer the following situations to law enforcement:</p> <ul style="list-style-type: none"> • All fatalities of children; • All injuries involving ruptured organs; • All unexplained abdominal injuries, or other injuries consistent with abuse; • All fractures that are unexplained, multiple, or in various stages of healing or when the reason given for the fracture is inconsistent with the injury; • All second and third degree burns, multiple cigarette burns, or other burns consistent with abuse; • All lacerations to the face, genitalia, or extremities that are unexplained or when the reason given is inconsistent with the nature of the injury; and • All cases of child sexual abuse and exploitation, or attempts of sexual abuse and exploitation. <p>The location of where the alleged incident occurred will determine which law enforcement agency should be contacted by DCYF. See Appendix A for a complete listing of New Hampshire law enforcement agencies and the appropriate department to contact. If this location can not be determined, DCYF must contact the appropriate law enforcement agency</p>	<p>In accordance with RSA 169-C:29, any police officer or staff member of a law enforcement agency having reason to suspect that a child has been abused or neglected must report it immediately to the Central Intake Office :</p> <ul style="list-style-type: none"> • During regular business hours reports should be made by telephone to 1-800-894-5533 or (603) 271-6556 or by facsimile to (603) 271-6565. • After regular business hours, <i>child abuse emergencies</i> should be referred to the HELPLINE at 1-800-894-3388 or (603) 225-9000. <p><i>Child abuse emergencies</i> are those cases in which law enforcement has determined that a child is in imminent danger and must be removed from parental custody. Every effort must be made to see if the child can be cared for by an appropriate caregiver agreeable to the parent (i.e., family members, friends, and neighbors). When all options have been explored and an appropriate caregiver can not be identified, in these instances, HELPLINE will assist in locating an emergency crisis home. See section on LAW ENFORCEMENT REMOVAL OF A CHILD (page 28).</p> <p>When making a referral to DCYF, the police officer or other law enforcement staff must provide the following additional information:</p> <ul style="list-style-type: none"> • The name of the officer or staff member to whom DCYF should address further questions and/or provide information; • Whether the law enforcement agency is conducting an investigation; • Whether any immediate danger to the child is perceived, which would require removal of the child from parental custody; and • Any other information which may be helpful or relevant. <p>In accordance with RSA 169-C:30, if an oral</p>

where the child resides with his or her custodial parent or guardian. If residency can not be determined, DCYF must contact the appropriate law enforcement agency where the child is found.

DCYF shall submit a written notification to the appropriate law enforcement agency within 48 hours (Saturdays, Sundays and holidays excluded). This notification shall also be sent to the County Attorney's Office (RSA 169-C: 38).

report is made it must be followed by a written report within 48 hours if so requested by DCYF (Saturdays, Sundays and Holidays excluded).

B. INTAKE RESPONSES

DCYF	LAW ENFORCEMENT
<p>When a report of child abuse and/or neglect is received by DCYF, the Intake CPSW or supervisor must:</p> <ul style="list-style-type: none"> • Obtain all relevant information; • Determine if further assessment is required; and • Complete the Protection Report Forms. <p>The Protection Report should be forwarded to the assessment supervisor in the appropriate DCYF district office, for assignment to a CPSW if the alleged perpetrator is believed to be one of the following persons, now or at the time the incident occurred:</p> <ul style="list-style-type: none"> • A household or family member; • A non-household member from whom the parents of the victim are not protecting the child; • A minor child under the age of 12 years alleged to be sexually acting out toward others; or • Not yet identified by the victim. <p>The Protective Report should be forwarded to the Special Investigative Unit for assignment of the DCYF institutional investigator, if the alleged perpetrator is believed to be one of the following persons:</p> <ul style="list-style-type: none"> • A staff member or other resident of a state-administered or contracted institution; 	<p>The circumstances under which crimes involving children occur and are detected vary considerably. Due to these factors, the suggested law enforcement response must be flexible enough to respond to the particular needs of each case. Once a law enforcement agency is notified, an officer may respond by interviewing the person who reported the alleged offense. Following their department's policies and procedures, initial responding officers may notify other officers, a supervisor, a detective, a multi-disciplinary team member, or proceed with the investigation themselves. Usually, the identity of the persons involved will be established and should include: the victim(s), their parent(s) or caregivers, witnesses and their parent(s) and if needed, suspect(s) and their parent(s).</p> <p>The basic, preliminary investigation should include:</p> <ul style="list-style-type: none"> • What allegedly occurred; • Where it allegedly occurred; • When it allegedly occurred; • Who allegedly was present, and why; and • How it allegedly occurred (to the extent that this can be answered). <p>On occasion, immediate medical attention may be needed by the victim(s) or the suspect(s) may become known and an immediate arrest</p>

- A foster parent or other resident of a foster home;
- A childcare provider in a residential setting; or
- A staff or resident of a group home, rehabilitation center, residential school or recreational camp.

If the alleged perpetrator is believed to be one of the following persons, there will be no assignment to a CPSW, unless specifically requested by law enforcement.

- A non-household member who does not have continuous access to a child, unless the parent is not protecting the victim from that individual; or
- A minor child, 12 years of age or older believed to be sexually acting out toward other minor children unless this minor child is a household member, relative or non-household member having continuous access to the victim.

required, either of which might alter the sequence in which the initial investigation proceeds.

Identification and preservation of the crime scene and all evidence known or believed to be related to the investigation needs to be attended to. Further investigation of these matters is discussed in detail starting with the section titled "Benefits to a Team Approach."

Law enforcement shall have the responsibility to investigate the following cases:

- All child fatalities;
- All serious bodily injuries or bodily injuries that are unexplained or inconsistent with the explanation given, or
- A minor child, 12 years of age or older believed to be sexually acting out toward other minor children unless this minor child is a household member, relative or non-household member having continuous access to the victim.

If at any time during the course of the investigation, law enforcement officials find that there is any question as to whether the parent or guardian is able to protect the child from the alleged perpetrator, a CPSW shall be assigned to the case and work jointly with law enforcement.

COLLATERAL CONTACTS

After the initial reporting of the suspected activity, it will be necessary to corroborate as much of the information obtained as possible regarding the principal individuals. This can readily be done by using public information available from many sources including but not limited to: telephone and city directories, school emergency files, motor vehicle records, criminal histories, previous contacts, etc. The confidentiality of the family must be respected when seeking collateral information. Information about the allegation must not be given to other non-privileged individuals. Only information necessary to the client's situation or necessary to elicit required relevant information is to be shared. Collateral sources can be told that "a referral" was received and that clarifying information is being sought. Terms

such as "physical abuse" or "sexual abuse" must be avoided. When seeking information from an institution, such as a public school, the CPSW should attempt to contact an individual who, by title, authority, or specialty, has an understanding of and sensitivity to matters of confidentiality.

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
<p>The CPSW should obtain as much information as possible on the child and family. Collateral contacts may include, but are not limited to:</p> <ul style="list-style-type: none"> • The treating physician or family doctor; • The mental health counselor or therapist, if the family is in treatment; • School personnel (e.g., school nurse, teachers, counselors, administrators); or • Human services agencies. <p>Through making collateral contacts, the CPSW seeks to gain an understanding of:</p> <ul style="list-style-type: none"> • Relationships within the family (e.g., one child is considered a "favorite" while the other is often the "scapegoat"). • Patterns of behavior (e.g., an adolescent girl who refuses to participate in gym class at school every Monday morning after returning home from weekend visits with her father). • Key insights into family functioning and dynamics. 	<p>The investigator should obtain as much background information as possible on the individual(s) involved in the investigation. This may include, but not be limited to:</p> <ul style="list-style-type: none"> • Motor vehicle information; • Criminal history; and • Any other intelligence information (personality traits, place of work, etc.). <p>By making these contacts the law enforcement investigator is preparing background information about the offender. This information may be very important to future interviews.</p>

A. REQUESTING ASSISTANCE

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
<p>DCYF may encounter situations requiring law enforcement assistance even though a criminal act has not been alleged. DCYF may request and should receive the assistance of law enforcement:</p> <ul style="list-style-type: none">• When meeting with parents alleged to be violent or known to be violent and dangerous;• When meeting with parents alleged to be under the influence of drugs or alcohol;• When meeting with parents who have threatened the safety of the CPSW or any other individuals involved;• When serving an ex parte order to remove a child; or• When serving a court's approved "motion to enter" a residence to check on the safety of a child.	<p>If law enforcement requests DCYF assistance for any reason, it will result in the assignment of a CPSW to the case. There are a number of reasons why law enforcement may want assistance from DCYF:</p> <ul style="list-style-type: none">• During the course of any investigation, it may become known that a parent is not protecting a child from an alleged abuser or other threatening person or situation. An ex parte order may be necessary to protect a child from harm; or• When an agency determines, for the good of the investigation, that the assistance of a CPSW is appropriate (i.e., interviewing a young child victim, etc.).

B. NOTIFICATION TO THE OFFICE OF THE ATTORNEY GENERAL

Immediate notification must be made to the Criminal Justice Bureau of the Office of the Attorney General when a child's death is suspicious and is a potential homicide. The notification shall be made by law enforcement or by DCYF, through its Legal Coordinator, whoever received the report of death. The initial notification by telephone must be followed by each agency's written report, within 48 hours.

C. NOTIFICATION TO THE DEPARTMENT OF EDUCATION

If a report of child abuse and/or neglect is received by DCYF involving public or private teachers or personnel, and the reported incident is alleged to have occurred in the school or during school activities, DCYF shall be responsible for notifying the Department of Education.

D. NOTIFICATION TO THE BUREAU OF CHILD CARE LICENSING

If a report of child abuse and/or neglect is received involving a licensed child care provider, DCYF shall be responsible for notifying the Office of Program Support - Bureau of Child Care Licensing. Both agencies in collaboration with law enforcement, will coordinate efforts to conduct a joint assessment of the reported incidents.

MULTIDISCIPLINARY TEAM APPROACH

When both DCYF and law enforcement are required to assess and investigate the same incident, then a joint team approach best serves the needs of all individuals, particularly the child and family.

The benefits of DCYF and law enforcement using a multidisciplinary team approach includes the following:

- Interviews are conducted with representatives of both agencies present. Thus, the child and family are spared the hardship of unnecessary, separate interviews by each agency;
- Joint interviews eliminate the chance of agencies obtaining contradictory statements or details, which may confuse issues; and
- Joint interviews by two professionals from different disciplines ensure that relevant questions are asked, and interactions, body language, and presenting conditions are observed. The professionals are able to share and test impressions, observations, and theories during the process.

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
<p>DCYF benefits from the multidisciplinary team approach in that:</p> <ul style="list-style-type: none"> • Law enforcement provides emphasis to the seriousness of the suspected child maltreatment; • Law enforcement is specifically trained to interview the alleged offender; and • Law enforcement can assume the role of the investigator in the process, allowing DCYF to assess the child/children's safety and service needs of both family and child/children. 	<p>Law enforcement benefits from the multidisciplinary team approach in that:</p> <ul style="list-style-type: none"> • The social service approach of DCYF provides support and reassurance to the child and other family members throughout the process, which may put family members more at ease; • DCYF can offer support services, placement options and community referrals to family members, as warranted; and • The CPSW may have additional skills and training in the areas of child development, family dynamics and interviewing techniques, which would assist in ensuring that young victims are interviewed at their age-appropriate level of understanding.

It is strongly suggested that professionals involved in these matters be adequately trained in interviewing physical and sexual abuse victims and their families, and be competent and comfortable when interviewing children of various ages. If a team member lacks the skills to conduct an interview, assistance may be available from detectives, state police or other sources.

STRATEGIZING THE JOINT EFFORT

Once the reported allegations are shared and the determination has been made that a joint DCYF/law enforcement assessment is to be conducted, the CPSW and law enforcement officer need to discuss how best to proceed. Matters discussed should include:

- Available reports and other information and how to obtain them;
- Individuals involved (family members, the referrer, doctors, helping professionals), and the order in which to interview these persons;
- Location options for interviews (specially designed interview rooms, a DCYF office, a police department, at the school, etc.);
- Roles each professional will have (DCYF as the supporter, law enforcement as the investigator); and
- Procedures for post-assessment information sharing.

Ongoing dialogue between the law enforcement officer and the CPSW is critical to best serve the child and the family system.

CHILD DEVELOPMENT AND LANGUAGE

It is very important for the interviewer to be familiar with child development and children's language and vocabulary levels. When young children are asked questions about a specific event, their account may be inaccurate because they may not understand the question. The interviewer may also incorrectly interpret what a child says due to the child's limited language skills. An interview requires concentration and attention by both the interviewer and the interviewee. However, children shift their attention elsewhere and are easily distracted. Because brain development is gradual, younger children will lose interest in talking, especially if they do not understand the language and vocabulary. They will only be focused if the activity interests them.

The interviewer should know the development characteristics of children from birth to adolescence, including their social, emotional and physical abilities for each age group. Sound knowledge in this area will help facilitate communication with the child to enhance their credibility and accuracy.

Children under age 8-10 do not understand many terms in court: jury = jewelry; court = place to play basketball; charges = what you do with a credit card. Children may try to answer questions that require skills they have not developed, such as timing an event when they cannot tell time. Children rarely ask for clarification when they do not understand. They reason and think idiosyncratically rather than rationally.

Children under age 7-8 do not know prepositions. The interviewer can get them to demonstrate their knowledge using props or flash cards. Avoid using pronouns. Use

concrete terms with younger children, such as “How did it make you feel?” vs. “How did it feel on your body?” Children typically do not learn to tell time until the third grade. Just because a child can count, does not mean they can tell you how many times an abuse event happened.

Adolescents are dominated by egocentric thinking and have difficulty accepting the perspective of others. The interviewers should be familiar with characteristics of adolescents and typical reasons for disclosure. This age group carries fear of not being believed, of reprisal and of being exposed. They feel embarrassed, humiliated and unduly responsible. They may want to protect the abuser or the family, and feel they can cope with the situation on their own. Adolescents typically refuse to admit when they do not know what they do not know.

Typical reasons for adolescents to disclose are:

- Family is being disrupted by other stresses;
- Offender has left the home;
- Adolescent develops insight that the abuse is not okay or that there are more serious implications than s/he realized;
- Adolescent was directly asked about abuse and given assurances of safety;
- Adolescent finds safe relationship;
- Offender or other significant other dies;
- Adolescent becomes aware other children or siblings are at risk;
- Abuse becomes intolerable; or
- Anger (one of the most common motivators).

THE INTERVIEW

In conducting a thorough assessment of a report alleging child abuse or neglect, a number of interviews with various persons may need to take place. Investigators should watch for indicators of domestic violence in the parent’s relationship and interview the non-offending parent and alleged perpetrator separately. (Refer to the Governor’s Commission on Domestic and Sexual Violence Protocol entitled, *Law Enforcement: A Model for Police Response to Domestic Violence Cases* for further information.)

Contacts may include but are not limited to:

- The referral source;
- Collateral sources;
- The child victim;
- The siblings or other children in the household;
- The parent/caregiver;
- The person who has allegedly abused the child; and/or
- Other household members.

The sequence of the interviews will vary depending on the circumstances of the alleged abuse. Ideally, the parent/caregiver of the child should be interviewed first, unless this would potentially pose a threat to the child's safety, result in the destruction of evidence, or in the removal of the child from the area. During the initial interview with the parent/caregiver, it is important to obtain a good understanding of the family dynamics, and how the person feels the child will respond to the assessment. Team members should elicit the parent/caregiver's cooperation and assistance in continuing the assessment.

In most instances, the interview with the child should take place before interviewing the alleged offender. It is important to first obtain the child's account of the reported incident. Attention should also be paid to any concerns the child may have for his/her personal safety, as well as other spoken or perceived threats to others.

During the course of the interviews, law enforcement will determine whether a crime has been committed. Statements and other evidence may be collected in order to assist them in making that determination.

Concurrently, DCYF will be conducting a family-centered assessment to determine, along with the family, what services and supports are necessary to address the conditions in question and to assure the safety of the child/children.

INTERVIEWING THE CHILD – THE LAW

New Hampshire RSA 169-C:38, IV states “Law enforcement personnel or department employees who are trained caseworkers shall have the right to enter any public place, including but not limited to schools and child care agencies, for the purpose of conducting an interview with a child, with or without the consent or notification of the parent or parents of such child, if there is reason to believe that the child has been:

- (a) Sexually molested;
- (b) Sexually exploited;
- (c) Intentionally physically injured so as to cause serious bodily injury;
- (d) Physically injured by other than accidental means so as to cause serious bodily injury;
- (e) A victim of a crime;
- (f) Abandoned; and/or
- (g) Neglected.

For any interview conducted pursuant to paragraph IV, **the interview with the child shall be videotaped if possible. If the interview is videotaped, it shall be videotaped in its entirety.** If the interview cannot be videotaped in its entirety, an audio recording of the entire interview shall be made.”

VIDEO/RECORDING OF INTERVIEWS

All videotaped interviews, with or without parental permission, that are conducted in public buildings such as police departments, DCYF offices, schools, libraries, etc., must be videotaped “in its entirety”, beginning with the interviewer’s first introduction to the child.

Points to consider:

- A videotaped interview can be used to convey the child’s account of abuse to professionals not present during the interview process, thus decreasing the need for additional interviews.
- The video equipment must be in working order and placed so that the camera can see both the child and the interviewer.
- The video equipment must be on when the person assisting the child or bringing the child to the interview introduces the child to the CPSW and/or the Law Enforcement Officer.
- An interview conducted right after the incident may capture spontaneous behavior, emotion, or details often absent in a child’s later account of the abuse. The videotape also preserves the child’s facial expressions and gestures. If there is a question later of the interviewer’s conduct or exact words used by the child, the videotape provides a verbatim account.
- An effective videotaped interview may be instrumental in obtaining guilty pleas to criminal charges. Videotape is often effective in encouraging offenders to take responsibility for their actions. An early guilty plea saves the child from the trauma and confusion of a trial.
- Children are often uncomfortable with recording equipment and may be nervous about revealing abuse. However, the introduction of the equipment should be stated in a matter of fact fashion. Questions about the process and use of the tape should be answered directly and factually during the videotaped introduction.
- Children often are afraid that copies of the tape and their disclosure will be made and that they have no control over whom will watch the tape. Young children have also expressed a fear that the tape will be made available to the local video stores for rental. These fears can often be overcome by a factual discussion of the purpose and who will see them.
- DCYF policy regarding video and or audio taped interviews, discourages the release of copies of tapes containing interview content, to preserve confidentiality and reduce the likelihood of further emotional trauma to the victim. DCYF recognizes its

obligation to provide access to such materials to law enforcement agencies and prosecutors involved in joint investigations, and advocates for effective communication to encourage the most cautious use of such materials as evidence.

- Young children may become distracted by the equipment and want to play rather than talk about what happened to them.
- Several interviews may be required to obtain a full account of the abuse, because **it is rare that children tell “everything” at once.**

INSTRUCTIONS FOR THE INTERVIEW

Suggestibility is the degree to which memory can be influenced by internal and external factors. Young children are most at risk of suggestibility, but they often require suggestive questions to trigger memory, because of normal child development and the psychological dynamics of sexual abuse. However, the more suggestive questions are relied on, the less credible the child’s word becomes.

Interviewers should understand children’s limited communication and comprehension skills. Because children lack vocabulary skills, they may have different meanings for words than you do. Children assume that adults are always right. Children rely on adult cues and are not used to being informants. They have the tendency to want to please adults and would not question or challenge them. Children are typically taught that adults know everything. They may believe the interviewer already knows about the abuse.

To enhance children’s reliability and accuracy, and reduce the interviewer’s dependence on suggestive questions, the interviewer can prepare the child with some instructions to the interview. Instructions should be tailored to age-appropriate language. Some examples of instructions for age 6 and older may be:

- If you don’t know the answer to my question, tell me you don’t know.
- If you don’t understand my question, tell me you don’t understand.
- If I repeat the same question, it doesn’t mean you gave me the wrong answer. It means I forgot I already asked that question.
- Sometimes I make mistakes. Tell me if I have.
- If I ask a question you don’t want to answer, tell me you don’t want to answer.
- If you don’t remember, tell me you don’t remember.
- Agree to only talk about the truth, or things that really happened.

It is preferred that the instructions occur before any fact-finding inquiry.

A. PREPARATION

Prior to the interview, the team members should review any available information relevant to the case. As much information as possible should be obtained about the situation of the child, the nature of the incident, and the circumstances of the incident. The information may

come from many sources, but a primary source is the initial reporter or the person to whom the child made the disclosure.

B. INTERVIEW SITE

It is best to interview the child in a neutral, non-threatening location, private enough to minimize interruptions. It is advisable to avoid interviewing the child in the family home, particularly if this is where the alleged abuse occurred. Children are often interviewed in the hospital emergency room or at school. A successful model for joint intervention suggests that the child be seen in a specially designed room located at one of the agencies involved. The room may feature:

- One-way glass for out-of-sight observation.
- Basic furnishings such as pictures and simple furniture.
- Space and adequate lighting for video and/or audio taping equipment.

A room that is too large or has too many toys usually distracts a child from discussing what occurred.

C. INTERVIEW PROCESS

Unnecessary interviews and too many interviewers are stressful to a child. Therefore, joint intervention is important. Prior to any interview, it is best that law enforcement and DCYF determine which person should actually do the interview. These interviews should be conducted on the basis of what is in the best interest of the child. The other agency representatives can watch the interview, through the use of one-way glass if possible. Prior to ending the interview process, the interviewer should leave the room and confer with the other agency representatives for guidance, advice or suggestions regarding additional questions to pose, or matters to pursue.

D. PRESENCE OF A SUPPORT PERSON

The team members should **make every attempt** to interview the child alone in order to gain an unbiased account of the situation under assessment, and not to overwhelm the child.

The child may have great difficulty, however, discussing a highly sensitive subject like sexual abuse with complete strangers. Despite careful planning, the child may be uncommunicative, anxious, hyperactive, or withdrawn. A very young child may totally shy away or even cry.

Only if the child's reaction to the prospective interview or during the actual interview, makes it impossible to elicit any information, should consideration be given to asking a support person, an individual the child knows, trusts and may feel comfortable with, to sit in on the interview. Support persons may include relatives, teachers or school staff, nurses or

social workers. The support person should not be an individual who could or would influence the disclosures made by the child. The non-offending parent, in most cases, should not serve as the support person.

Support persons need to be advised that any and all information shared with them, or observations they may make, must be kept in strict confidence. The team members must strive to maintain control of the interview at all times. Support persons should be asked in advance to assume a neutral role during the interview process. Their role is simply to comfort and support the child. They are not to aid the child in any way, while the child is discussing the incidents with the interviewer.

If the child needs to have a support person present but is having difficulty choosing someone (often the only support person a child can think of is his or her "best friend" who is usually another child), elicit the non-offending parent's assistance in helping the child choose an appropriate adult support person. The non-offending parent can also provide important information to the interviewer on how to make the child feel more comfortable during the interview.

Sometimes the support person may be the individual who the child first told of the abuse, and/or may be the referral source. That individual may be asked during the actual interview to give the child permission to tell the interviewer what happened to him. The key, however, is that the full account must come from the child, not from the support person.

E. CONTENT OF THE INTERVIEW

If the interview is conducted at a location other than a specially designed room, it is important that one person assume control of the interview. This should be explained in advance. Successful interviews are difficult enough without the added confusion of many voices and interests.

The interviewer should try to make the child feel comfortable by asking easy initial questions, appropriate to the child's age, such as last name, birth date, grade, school, teacher's name, name of family members, pets, favorite toys, movies, games. Sharing personal information about pets, school experiences or relationships with other children the same age often helps to establish rapport. This information will also help to assess the level of maturity of the child. **Rapport building is considered part of the interview and should be recorded pursuant to § 169-C:38, V.**

The interviewer should ask questions that are direct, simple and as open-ended as possible. **Leading questions should be avoided.**

Law enforcement requires as much specific information regarding the incidents as possible. They need to determine:

- Was there one incident or were there multiple incidents over time?
- Were there elements of secrecy? If so, what were they?
- Was there pressure? Coercion? Threats? Bribes?
- What were the details of the disclosure? (Purposeful vs. accidental disclosure). What triggered the child's disclosure?
- Were siblings or other children or adults involved in or victimized by the abusive activity?

For allegations of sexual abuse, the following should also be covered:

- Was there a progression of sexual activity?
- Times of incidents and family schedules.
- Specific details of sexual activity.

In addition to the above, in order to complete a family centered assessment, a CPSW should seek the following information:

- Who is in the family?
- What roles do the family members perform (i.e., who has the most influence in the family, who does the discipline, childcare, housework)?
- What are the strengths of the family?
- How do members express feelings towards each other?
- Who is close to whom within the family?
- What are the support systems for the family, extended family, community?
- How are the strengths of the family system able to address the problems of the family?

Key points to remember during the child's physical and/or sexual abuse interview:

1. The child needs to know who you are, why you are there, your name and what you do in your job. The child needs to be informed that the interview is being video and/or audio taped. Let the child know you talk with children all the time. Explain that he or she is not in trouble and has done nothing wrong and that you are talking to them to help keep them safe. Ask if the child understands why you want to speak with him or her.
2. Seek the child's trust by allowing him or her to get comfortable enough with you to feel safe.
3. Take your time. Set a relaxed atmosphere and pace. Play with the child using crayons, coloring books, as this may decrease the child's anxiety, gains attention, interest and trust. Be careful to not have the play become too distracting.

4. After the child has given an indication that abuse has occurred, begin to gather specific information about what occurred: **what** happened, **who** did it, **when** did it happen, **where** did it happen, **how** did it happen, **how** often did it happen?
5. Avoid using the question "why" as it can sound accusatory and is associated with getting into trouble (i.e., "Why didn't you scream?" sounds as if the child was at fault for not screaming. Instead ask "What was happening that made you feel like you could not call out for help?").
6. Avoid questions that only require a yes or no answer. Ask open-ended questions that may require some explanation or description.
7. If the child has difficulty explaining what happened to them but has indicated that some type of sexual activity has occurred, the anatomical drawings can be introduced at this time. (See Anatomical Drawings Section).
8. Aim to establish a time period for the abuse. For young children, try to use significant events or holidays in their lives as reference points. For example, their birthday, Christmas, Easter, Halloween, or family vacation, etc. For older children, any of the above examples can be used in addition to their school experience. They may relate an incident of abuse with having a particular teacher, with what grade they were in and what school they attended.
9. Attempt to establish if the sexual abuse was a one-time incident or a continuing course of behavior by the alleged perpetrator(s). If it is a continuing course of behavior try to find out about the most recent episode first and work backwards from there. Ask if they clearly remember the very first time that it occurred. Be careful to remember that if the abuse occurred over an extended period of time, it will be very difficult for any victim to be able to separate specific incidents from each other. Try and use the description of a room or the season to separate incidents.
10. Establish specific locations and/or addresses where the incidents occurred, based upon the child's ability. Ask the child for descriptions of rooms and clothing worn by the child and the alleged perpetrator(s). Do not forget to ask about sensory descriptions: sights, smells, specific auditory sounds associated with the abuse as it occurred. Ask if any photos were taken or videos were made of them during the incident(s). If information relative to the above is disclosed by the child it may be useful in obtaining a Search Warrant for evidence.
11. Find out the child's feeling about the alleged perpetrator(s). Do not speak negatively about this person as the child may love this person and stop talking to you.
12. Ask what the child would like to see happen and be honest about what will happen next. Do not speculate or make assurances or promises that are not accurate or that you can't keep, (i.e., "You won't have to tell anyone else," "He won't go to jail.").

Remember, most children just want the abuse to stop and are not prepared for “the system’s” intervention.

13. Ask if the child ever told anyone else about the physical or sexual activities that they just told you. If they did, have them identify whom they told. Also ask if anyone else was present during the abuse. Investigators, remember to follow-up with each of the individuals identified by the child.
14. Before concluding the interview, tell the child that the abuse was not his or her fault. Children carry a tremendous amount of guilt and responsibility for the abuse done to them. Also, allow and encourage the child to ask questions of you. This helps the child to regain control and helps bring the interview to a close. Close the interview on a positive note by thanking the child for talking with you.

REMEMBER, DISCLOSURE IS A PROCESS, NOT AN EVENT.

ANATOMICAL DRAWINGS

Since many children do not know the proper terminology to identify the sexual parts of the body or how to describe sexual activities, anatomical drawings can be a useful aid during the interview process. (Appendix H). During the interview, when it is necessary for the child to clarify what happened, the drawings of the appropriate age and race of the child may be shown to the victim. The drawing can then be used to go over the sexual parts of the body, and can be marked with a crayon or colored marker by the victim on the locations where the child was touched. An anatomical drawing for the perpetrator may also be used. The child can be asked to circle the parts of the perpetrator’s body that touched the victim’s. If possible, the child should sign the drawing that represents him or her.

The instructions to the child may vary somewhat from case to case and should be adapted to suit the needs of each child interviewed. Such terms as “let’s pretend” or “let’s imagine” ***must be avoided*** when giving instructions to the child. It is better to say, “let’s say this is you,” or “consider this a drawing of. . .”

The interviewer should sign his or her name, date, name of the child interviewed, and the case/referral number, as well as the names of the individual the drawing represents, on each anatomical drawing used. The anatomical drawings can later be introduced as evidence in civil or criminal proceedings.

ANATOMICAL DOLLS

When anatomical dolls were introduced, they were considered an important advance in communicating with child sexual assault victims. However, the use of these dolls is often criticized because of the belief that the dolls may suggest sexual behaviors even in young

children who have no history of abuse. Therefore, it is recommended that the anatomical dolls not be used. If it is determined that they must be used, then they are only to be used by a properly trained professional.

INTERVIEWING SIBLINGS AND OTHER CHILDREN

After the identified child victim is interviewed, any sibling(s) in the household should be seen as soon as possible to determine:

- Whether they are at risk of physical or sexual abuse;
- Their awareness of the physical or sexual abuse; and
- Whether they can make statements that can corroborate the child victim's statements.

INTERVIEWING THE NON-OFFENDING PARENT/CAREGIVER

Law enforcement needs to gather additional information to determine if the non-offending parent has information that will confirm or dispel the identity of the alleged offender, whether this individual participated in the criminal activity, either overtly or covertly, and whether this individual was even aware of the reported activities. DCYF should be included in these interviews in order to determine what action, if any, DCYF must take to assure the safety of the child/children involved.

This parent should be advised that an official statement might be taken, depending on the content of the interview. Some law enforcement officers interview this parent before interviewing a child, and may later interview the parent again. It should be noted that if the non-offending parent makes an admission that constitutes a criminal act, the "interview" changes. If the person is in custody or would not be free to leave and Miranda is given, a waiver is obtained.

It is best to interview the non-offending parent alone, apart from other family members. Adopt a non-threatening stance. Aim to earn his or her confidence and trust. Explain what the child has said happened and gauge the reaction. Be supportive without being suggestive.

Additional information that law enforcement should obtain through this interview:

- Does the non-offending parent believe the child? Will the parent support the child throughout the disclosure process or side with the alleged offender against the child?
- Can the parent corroborate any of what the child has disclosed? When and how did this parent first learn about the allegation? Did he or she tell anyone else who may now be contacted to assist in the investigation?
- Does the offender have a tendency toward violence in the community, or more specifically in the home (domestic violence)?

- What is the non-offending parent's relationship with the alleged offender? Did the relationship change once the non-offending parent learned of the abuse?
- What is the alleged offender's relationship with the child? What activities are shared? Are the shared activities appropriate? Is any child favored or given special attention over the other siblings?
- Is there a history of arrest of any household family members? Obtain details.
- Is there a history of alcohol or drug use/abuse? What drugs are being used? Describe behavior changes while the alleged offender is under the influence.
- What is the non-offending parent's schedule? Is he or she employed? Where, what hours, for how long? (This information will give times when the child and alleged offender could be alone or abusive activities could occur.)
- Who is responsible for what task in the family? Who bathes the children? Who is the primary disciplinarian? What types of discipline are used?
- Is there a history of domestic violence/abuse within this family? Or with the alleged offender? Is the non-offending parent at risk for supporting the child? Is there or has there ever been any domestic violence protective orders in effect?
- Have restraining orders been sought or served previously? What restraining orders are presently in effect or awaiting service?
- Does the alleged offender have any weapons in this home or access to weapons elsewhere?

For allegations of sexual abuse, the interviewers should also determine:

- What does the non-offending parent know or suspect about the sexual abuse? Did he/she know about the abuse, but took no action to protect the child? Did he/she, in fact, not know? Did he/she choose not to know?
- Was the alleged offender confronted with the allegation? Any reaction?
- Does the couple share a bedroom? What are the parents' values concerning sex? Has the child ever walked in on them during an intimate time? Does the child ever sleep with them? When? Are there any videos or magazines that may be considered pornographic in the home? Does the child have access to them? Are guns in the house?
- Did the non-offending parent observe any sudden unexplained behavior changes in the child victim. For example, changes in sleep patterns, nightmares or night terrors, regression to bedwetting, thumb- sucking or soiling pants following potty training, sudden rages, acting out aggressively and/or sexually, either prior to disclosing or immediately following the disclosure.

During the interview of the parent/caregiver, DCYF will attempt to assess this person's ability to provide a safe and stable home environment for the child and determine what support services are necessary to empower him or her to do so.

A CPSW should seek to gain information regarding the functioning of the family system - the strengths and weaknesses. This information will assist in identifying the risk factors that

need to be addressed to ensure the safety of the child and how best to address them. This information should include:

- Who performs what roles within the family?
- What are the spoken and unspoken roles in the family system?
- What is the non-offending parent's relationship with the child in question?
- What action has he or she taken since finding out about the allegation?
- What significant events, changes, losses have taken place? How has the family handled stresses in the past?
- What are the family's connections to outside systems and resources?
- What are the special needs of the family and child?
- What does the parent/caregiver feel is needed to keep the remainder of the family together?
- Does the parent/caregiver recognize his/her protective responsibility and is he/she willing to be engaged?
- Can the parent protect the child if he/she is also a victim?

After the assessment, DCYF may find it necessary to open a case on the family in order to monitor the safety of the child and assist in securing services for the family. It is important to recognize that this is one of the most traumatic times a family system will ever endure. During this crisis, it is imperative that DCYF offer families supportive services that will empower the family.

INTERVIEWING THE ALLEGED OFFENDER

In cases in which law enforcement is pursuing criminal charges, the law enforcement investigator will proceed in the most effective manner possible to obtain critical information during the interview. The law enforcement officer will take the lead in questioning the alleged offender, and consider whether there is a custodial situation where Miranda is required. Although not compelled to do so, law enforcement or the County Attorney's Office may request a CPSW's assistance in said interview (contact local County Attorney's Office for clarification). Since the safety of the children is an ongoing concern for the CPSW, it is helpful if the CPSW is allowed to observe the interview of the alleged offender in order to understand the family dynamics and what has happened to the child. The interviewer needs to consider various interviewing techniques.

The alleged perpetrator initially may act hostile, angry, defensive, or belligerent and will most likely be frightened or feel threatened. The interviewer needs to be patient with the alleged perpetrator and express compassion during the interview in order to develop a rapport.

The interviews should take place in a room that provides privacy. The investigator should avoid assuming a judgmental attitude and instead should be sympathetic and concerned.

Efforts should be made to understand the alleged perpetrator's reasons for the reported actions and allow him or her to expand his or her reasons for what happened, such as an unhappy marriage, the loss of a job, being intoxicated, his or her own sexual abuse as a child, etc. Allow the alleged perpetrator a "way out", a way that would allow the alleged perpetrator to tell interviewer about the offense without the perpetrator perceiving that the interviewer may be condemning the action of the alleged perpetrator. Remember that most perpetrators will try and minimize the event. Allowing the perpetrator to minimize the event may allow the perpetrator a "way out", a way to begin to tell the investigator about the act.

In addition, the following points should be considered:

1. At the beginning of the interview, if the alleged perpetrator is not in custody and the interviewer has no expectation of arresting the alleged perpetrator immediately following the interview, the interviewer may consider conducting a "non-custodial interview". In such an interview, Miranda requirements may not apply. If the interviewer has determined that a non-custodial interview is appropriate, he or she needs to advise the alleged perpetrator of several facts. Some police departments utilize a non-custodial interview form in which the alleged perpetrator acknowledges that they understand that he or she is not under arrest and is free to leave, and that he or she came to the police station on their own free will and was not brought by the police, and that he or she is free to discontinue the conversation when desired. An example of such a form is included in Appendix J.
2. At the beginning of the interview, if the alleged perpetrator is in custody, he or she must be advised of his or her constitutional rights consistent with Miranda v. Arizona.
3. The alleged perpetrator may be told of the reasons for the interview. The investigator may ask the alleged perpetrator for his or her version of the incident(s). If a videotaped statement was taken from the victim, it may be played back during this interview, if necessary. If possible, a sworn, written statement or audio statement should be taken from the alleged offender. **If the alleged offender makes a denial, then a sworn statement should be taken as well.** A detailed sworn statement or denial may assist with the prosecution of the alleged perpetrator.
4. Law enforcement may use a polygraph exam as a part of the investigative process. This investigative tool provides an additional mechanism for seeking to establish the facts. The polygraph exam should only be requested upon the completion of normal investigative procedure and include background history. Polygraph exam results are not generally admissible at trial, but may help to focus the investigation or obtain a confession from a deceptive subject. The results of a polygraph exam should not be used as the sole determinant of whether an alleged perpetrator is prosecuted or not.
5. Based on statements given by the alleged perpetrator, as compared to evidence gathered and statements obtained from the child victim and others, law enforcement then determines whether probable cause exists to justify an arrest and possible

subsequent prosecution. If so, the alleged perpetrator may be arrested, brought before a judge for the setting of bail, and kept in custody until bail requirements are met. Stipulations for release are then determined, such as no contact with the victim and witnesses pending trial.

When it has been determined that criminal charges are not being pursued, the CPSW may conduct the interview without law enforcement being present. If this is the situation, then the law enforcement investigator should be available for a follow-up interview if necessary. The CPSW should be presented to the alleged perpetrator as a supportive resource to the family, instead of being identified with the prosecution.

Information sought to conduct a Family Assessment of Safety should include:

- The alleged perpetrator's account of the events that precipitated DCYF involvement;
- Family strengths;
- Family access to resources;
- Special stress affecting the family; and
- The parent's attitude and willingness to be involved, as well as his/her ability to keep the child from harm.

OBSERVATIONS

Observations are an integral part of the interview but it is more subjective than verbal information. There are two types of observable data: physical and emotional. The team members should record their own observations accurately and in detail. This will assist law enforcement in its ability to testify effectively if the case later goes to trial. It will also assist DCYF in its completion of a comprehensive family assessment.

Notes should be taken of:

- Physical conditions of all children, including their general appearance and any observable injuries or conditions;
- Safety of surroundings (are there unprotected open windows, exposed wiring, vermin, human or animal waste?);
- General condition of the home, including degree of cleanliness and adequacy of sleeping, eating and washing areas;
- Availability of food, water and sanitary facilities;
- Adequacy of heat, light, and space; and
- Behavior of parents and child, and all nonverbal messages including eye contact between family members, facial expressions, tones of voice, willingness to listen, express feelings or to engage in physical closeness.

LAW ENFORCEMENT REMOVAL OF A CHILD

When it is apparent that a child is in imminent danger, a police officer, NOT a CPSW, has the authority to remove a child from parental custody without a court order, under RSA 169-C:6. This is a serious decision and must be handled with utmost care. When removing children from their parent's custody, the following guidelines should be followed, AS TIME AND CIRCUMSTANCES PERMIT:

1. During DCYF business hours, (Monday – Friday, 8:30AM – 4:30PM), contact the Central Intake Office and the local district office. Await the arrival of DCYF personnel and assist as necessary. A CPSW will make an assessment, obtain the required court order and arrange for the removal of the children, if necessary.
2. After DCYF business hours, a police officer shall provide judicial notice of the removal of any child. (RSA 169-C:6, II)
3. A court hearing on the removal of the child must be held within 24 hours, (RSA 169-C:6, IV). In order to prepare for this hearing, an incident report stating the facts, which led to the concern of imminent danger, needs to be completed promptly by law enforcement. The DCYF district office needs to be notified and provided with a copy of the incident report.
4. RSA 169-C:7, "Petition", allows "any person" to file an "abuse or neglect" petition. DCYF policy states that: **the police officer removing the child should prepare and file the petition with the court and attend the resulting hearing.** DCYF would then assume the role of conducting a comprehensive family-centered assessment and attend further hearings at the direction of the court.
5. Cooperation between both disciplines is essential to ensure the safety of the abused or neglected child.
6. In the event that a parent committed a criminal act against a child, law enforcement should explore every option for removing the offending parent from the home. The non-offending parent must demonstrate that he or she is or will be a protective resource for the child victim. **A CHILD SHOULD BE REMOVED FROM THE HOME ONLY AS A LAST RESORT.**
7. If the custodial parent is arrested, every effort must be made to see if the child can be cared for by an appropriate caregiver agreeable to the parent (i.e. family members, friends, neighbors).
8. Persons under the influence of drugs or alcohol or known to be sexual offenders are not appropriate caregivers.

If an appropriate caregiver is not available, a judge must be contacted. Placement of a child in an emergency care crisis home may then be arranged by contacting **HELPLINE at 1-800-852-3388**.

Unfortunately, some situations require direct intervention and the removal of a child from a residence. The investigator needs to be aware that this is often a traumatic event for a child and great care and professionalism needs to be utilized.

Situations or incidents which suggest the need for protective custody are:

- The child was severely assaulted, that is, hit, poisoned, or burned so severely that serious injury resulted or could have resulted. (The parent, for example, threw an infant against a wall, but somehow the infant was not seriously injured.)
- The child has been systematically tortured or inhumanely punished. (For instance, was locked in a closet for long periods, or not allowed to eat.)
- The child has been sexually abused or sexually exploited and the non-offending parent cannot or will not protect the child.
- The parents refuse to obtain or to consent to medical or psychiatric care for the child that is needed immediately to ensure safety or to prevent death.
- The parents appear to be suffering from mental illness, mental retardation, drug abuse or alcohol abuse so severe they cannot provide for the child's basic needs. (The parents, for example, are demonstrably out of touch with reality.)
- The parents have abandoned the child. (The child, for example, has been left in the custody of persons who have not agreed to care for the child and who do not know how to reach the parents.)
- There is reason to believe that the parents may flee with the child.
- There is specific evidence that the parents' anger and discomfort about an abuse or neglect report and subsequent investigation will result in retaliation against the child.
- The parents have threatened to harm the child in any way or state that they cannot control their actions toward the child anymore.
- The parents have been arrested for any reason, and there is no one available to care for the child.

COLLECTION OF EVIDENCE BY LAW ENFORCEMENT

The identification, collection, and preservation of evidence is a law enforcement function. It is critical that the collection is well documented, as documentation is the cornerstone of a successful prosecution. All physical evidence gathered in serious physical or sexual abuse cases should be collected exclusively by law enforcement. DCYF staff should not touch, handle or process physical evidence in any way, with the exception of being handed an item. In that instance, the CPSW must maintain custody of the item and turn it over to law enforcement. Evidence gathering is part of the criminal case preparation and processing. If, during the course of his or her work, a CPSW comes upon an item believed to be evidential,

law enforcement should be contacted immediately to appropriately handle and document the evidence. It is not the CPSW's job to do a criminal investigation.

Evidence gathered during a child abuse or neglect investigation may include the investigator's observations, photographic evidence (color photos preferably), taped interviews, etc. Even hearsay evidence can be of value and may even be admissible in later court actions.

PHOTOGRAPHIC EVIDENCE

The necessity of taking photographs should be determined on a case-by-case basis. When they are being considered, certain aspects need to be addressed.

1. Consider very closely if there is significant visible physical trauma to the child which photographic representation would clearly and accurately depict.
2. Make a special effort to minimize the potential damaging effect that photography could have on the child. Do not surprise the victim with the use of a camera. Let the child know in advance that you are going to take photos by explaining why you are taking them and what purpose they will serve.
3. When criminal prosecution is being considered, a police photographer should take the photographs. Photographs taken by medical personnel become part of the medical records and cannot be released to investigators without proper releases. The police officer taking photographs should submit them as evidence consistent with his or her departmental policies on evidence. **DO NOT COMBINE MULTIPLE INVESTIGATIONS ON A SINGLE ROLL OF FILM.** It is best to use a .35mm camera. Polaroid cameras and/or digital cameras may be used, but currently the quality of the picture will not be as good. Keep in mind, issues may be raised in court as to the authenticity of digital images. Therefore, always try to supplement Polaroid and/or digital images with .35mm photographs as well.
4. The first photo of the roll of film should have a template frame consisting of the following information: Photographer, Date, Time, Location, Incident Case Number and Roll Number. (Appendix I.)
5. Regardless of whether there is an injury to the victim's face or not, an initial photo needs to be taken showing the victim's face for identification purposes. Overall distance photos should be taken to identify the injury in relation to the rest of the body, while close up shots will emphasize the injuries.
6. The injured areas should be photographed with and without enhancements. In order to show the size of the injury and relative location, use a measuring device like a six-

inch photographic gray card ruler. It is important to keep the measuring device on the same plane as the injury, or in close proximity in order to depict an accurate representation of the injury.

7. Photograph only visible injuries, bruises, cuts, lacerations, bite marks, etc. and take care to avoid embarrassing the child. Any non-affected areas should be covered. A re-victimization may occur if photographing is not handled appropriately, and may be almost as traumatic as the abuse itself.
8. The nature of most injuries requires photographing to be timely due to the speed of the normal healing process. Injuries such as bruising will be better demonstrated by using photos taken at time intervals. Photos should be taken the next day or up to 48 hours after the initial assault. A separate roll of film should be used for every set of follow-up photos. All photographs should be marked with the photographer's initials, date, time taken, victim's name and age and the case number.
9. Photographs of the home or crime scene should also be taken at once if indicated. For instance, if it is claimed that the child has been injured in a fall, the area where the injury is alleged to have occurred should also be photographed. It may be necessary or advisable to obtain a search warrant in order to photograph a scene if written consent to search is not obtained from the non-offending parent/guardian. If the investigating officer is unsure if a search warrant is necessary, the officer should request clarification from the department prosecutor or County Attorney.

PHYSICAL EVIDENCE

The law enforcement officer should collect any physical evidence as soon as possible. This evidence might include the instrument used to inflict injury, guns or poison left within reach of unsupervised children, or evidence obtained from a physical examination. Make sure that the investigating officer gets signed releases of information for all medical records. All children who have been sexually abused, physically abused, or severely neglected should receive a medical exam. Refer to the Attorney General's Task Force on Child Abuse and Neglect Protocol: Child Abuse and Neglect: A Manual for the Pediatric Healthcare Professional and Appendix G and H. If during this exam a sexual assault evidence collection kit is obtained, the investigator needs to transport this kit to the New Hampshire State Police Crime Laboratory as soon as possible, inside a cooler if necessary. It may be necessary to obtain a search warrant in order to collect evidence. The officer's department policies and training regarding the collection of evidence should be applied.

SEARCH WARRANTS

Serious consideration must be given to using search warrants as an investigative tool. A search warrant should be used to seize physical evidence whenever the suspect would have

an expectation of privacy in the area to be searched. For more complete discussion, see the New Hampshire Attorney General's Law Enforcement Manual. The scene of the incident, the suspect's person, and otherwise unobtainable records are all worth considering for possible evidence collection by way of a search warrant.

A search warrant served on the home of an alleged sex offender's home may result in the identification of other victims.

Anything the investigator wishes to seize by warrant that can corroborate the victim's statement should be described in detail in the search warrant. This may include, but is not limited to, instrumentalities, contraband, weapons, latent fingerprints, or the description of a room not usually available to a victim.

In order to prevent the loss of hairs, fibers or other trace evidence, clothing and other evidence specimens must be sealed in paper or cardboard containers. The use of plastic containers will result in moisture remaining in the evidence items, making it possible for bacteria to quickly destroy any evidence. To transport wet evidence items to the crime laboratory, items that have already been labeled and bagged may be placed in a larger plastic bag with the top of the plastic bag left open. In these instances, a label should be affixed to the outside of the plastic bag, which will alert the crime laboratory that wet evidence is present inside the plastic bag. This will enable the laboratory to remove the clothing and avoid loss of evidence due to putrefaction.

In the instance of physical abuse, when the victim has sustained injuries, the scene needs to be viewed for reconstruction purposes. This may include anything from taking measurements to determining the water temperature capabilities in the home. The execution of a warrant may reveal that a crime has been committed or prove to validate the scenario offered by the parent in abuse cases.

The majority of sexual abuse cases are historic in nature. The victim's body does not, for the most part, bear any evidence for the investigator. In very young children, medical examination can result in some circumstantial evidence. For this reason and for the medical care of the child, a physician with expertise in this area should examine all children suspected of being abused. Refer to the Attorney General's Task Force on Child Abuse and Neglect Protocol Child Abuse and Neglect: A Manual for the Pediatric Healthcare Professional for more information.

In homicide cases, search warrant applications must be reviewed by the Assistant Attorney General assigned to the case. In all other cases, it is good practice to have a member of the County Attorney's Office review the warrant application.

EXTRAORDINARY MEASURES

The *New Hampshire Attorney General's Law Enforcement Manual* contains guidelines and case law for the use of investigative techniques beyond those discussed here. Often times, these techniques can be extremely helpful in a child abuse/neglect investigation. However, before engaging in these activities, it is strongly recommended that department guidelines, the County Attorney's Office and the Attorney General's Office, if necessary, be consulted. Losing a case because of improperly obtained evidence can be as traumatic to the victim as the actual crime.

ARREST

In most communities, only a small portion of child abuse and neglect cases result in arrest. Arrest means prosecution. In felony cases, the County Attorney should be advised as soon as possible. The goal of prosecution is to deter the offender and the public from engaging in criminal behavior, as well as to protect the child from further harm.

Prosecution of persons who abuse or neglect children can be difficult in all but the most serious cases. It may be very hard to prove who was responsible for an incident of child abuse or neglect which occurred in the absence of witnesses, and in the privacy of the home.

Law enforcement may decide that the arrest of the parent or caregiver is warranted. The arrest may be made immediately, particularly when the incident is severe or it may be delayed, pending consultation with the county attorney's office. Arrest may be indicated when:

- Injury to the child is extremely severe;
- Evidence exists that a serious crime has been committed;
- There is reason to believe that the parent or caretaker will flee the jurisdiction if given the opportunity; and
- The person believed responsible presents an immediate danger to others.

RSA 169-C:21-a was enacted into law effective January 1, 2001, (Appendix J) providing that anyone who violates a "stay away" provision of either a temporary or permanent protective order is now guilty of a class A misdemeanor. It further mandates that a police officer **shall** arrest and ensure that the defendant is detained until arraignment. Similar to the domestic violence law provisions, arrest can be made without a warrant within 6 hours of the violation, whether or not the violation occurred in view of the officer. Additionally, and again mirroring the provisions of the domestic violence law, this law includes a provision that subsequent to an arrest, a police officer **shall** seize any firearms, ammunition or other deadly weapons which may have been used, or threatened to be used, in the violation. It further requires that the law enforcement agency maintain possession of the

firearms until the court orders their return. The order must specify to whom the items are to be returned.

Ongoing dialogue between law enforcement and DCYF is crucial should an arrest be made of a parent/caregiver. It is important that as many support services as possible be in place for the family. DCYF may be able to help in securing family and community support systems to assist the remaining members of the family through this difficult time.

CIVIL V. CRIMINAL PROCEEDINGS

There is a significant difference between the burden of proof in civil cases and the burden of proof in criminal cases. “Beyond a reasonable doubt” is the high standard of proof required in criminal matters. Civil matters, on the other hand, require “preponderance of the evidence”, a lower standard than in criminal matters. Because of these differing burdens of proof, an individual could be exonerated from all criminal charges, yet still be found responsible for the acts in civil court.

The civil court’s objective is to protect children by providing assistance, support, and services to children and their families. The court may order a variety of social services such as counseling, alcohol/drug treatment, parenting classes and/or placement. Its thrust is not to blame or punish.

The objective of the criminal law is to deter criminal behavior of the specific offender and of the population in general by sentencing offenders to terms of incarceration, ordering treatment, issuing fines and placing them on probation/supervision.

CIVIL PROCEEDINGS

In those investigations which involve the removal of a child from parental custody, generally under RSA 169-C:6, another set of civil procedures at district court is required.

A hearing must be held within 24 hours of taking the child into protective custody, Sundays and holidays excluded. The abuse and/or neglect petition upon which the ex parte order was sought must be introduced at this hearing. The court shall make a decision as to whether the child should remain in placement until the preliminary hearing. If the court finds reasonable cause to believe that the child is in imminent danger, the court will issue ex parte orders and set the matter for hearing within 10 days of the ex parte orders. RSA 169-C:6-a, III. If, at that hearing, the court finds reasonable cause to believe that the child is abused or neglected there will be an adjudicatory hearing scheduled within 30 days of the filing of the petition. RSA 169-C:15, III.

If there is a finding of abuse or neglect at the adjudicatory hearing, then the court orders a social study of the home and family and a dispositional hearing is held within 30 days (RSA

169-C:18, VII). At the dispositional hearing, the court customarily issues a written final order regarding the provision of care for the child and other orders with which the family shall comply. These final orders are subject to modification upon a motion by any of the parties and they are also subject to annual review by the court.

For cases in which criminal prosecution is being considered, the DCYF attorney prosecuting the matter, or the CPSW in civil proceedings needs to contact the County Attorney or local law enforcement agency when discovery material is released by court order.

CRIMINAL PROCEEDINGS

When misdemeanor offenses are brought forward, discovery of the law enforcement agency's case file is usually handled by their prosecutors according to that department's procedures and the New Hampshire Rules of Evidence. Family Court and provisions in RSA 169-C for removal of offending parents need to be considered.

Misdemeanor arrests of adult offenders usually result in an arraignment and a trial in district court. Depositions may be requested and hearings may also be held on various motions related to the misdemeanor offense. However, these matters are more frequently encountered in those investigations that result in felony arrests. Generally when felony charges are brought, all questions regarding discovery should be referred to the County Attorney's Office. When a felony arrest results from an investigation, the court process begins with either the defendant's arraignment in the district court or indictment by the grand jury.

A bail hearing may be held and a probable cause hearing date is scheduled. Many times a grand jury will meet between the arraignment and probable cause hearing dates. Once the grand jury finds a true bill on the indictment, the case is transferred to the superior court of that county and the probable cause hearing in the district court is not held. If the grand jury does not meet before the probable cause hearing, then the hearing is held in the district court, and the defendant is either bound over for grand jury or the complaints are dismissed. Those defendants bound over for the grand jury are then indicted at a later date.

Once an indictment is returned by the grand jury, the defendant is then arraigned before the superior court and another bail hearing may be held.

Depending on the complexities of the investigation, there may be several hearings held on motions to suppress evidence from the investigation. Depositions of team members are also likely to occur during this time period. Recently, there have been subpoenas issued for child victims in felony sexual assault cases to appear and testify at the probable cause hearing. Defense attorneys who are seeking to test the victim's competency as a witness and to obtain discovery at the earliest possible opportunity are issuing the subpoenas. If subpoenas are

issued to child victims, the County Attorney should be notified in advance of the hearing date to review the matter.

DELINQUENTS

In any case involving child abuse, when the alleged offender is a juvenile, there should be attention given to the possibility that he or she is also a past or present victim of abuse. During the investigation, an attempt should be made to explore and address this issue.

If a cycle of abuse is established, then each offender/victim situation should be viewed separately for appropriate disposition. The disclosure that a juvenile offender is also a victim should play a role in the disposition of the original investigation when determining the recommendations that are brought before the court. The provision of mandatory counseling for the juvenile **must** be part of any sentence recommendation. Depending upon the seriousness of the abuse, the County Attorney's Office may consider certifying the juvenile as an adult and prosecute him or her as such.

FOLLOW-UP TO THE INVESTIGATION

Throughout the entire joint assessment/investigation, information and findings by both DCYF and law enforcement should be fully shared, according to RSA 169-C:34, III, DCYF "may request and shall receive from any agency of the state or any of its political subdivisions or any schools, such assistance and information as will enable it to fulfill its responsibilities under this section." With the full sharing of statements/findings, neither DCYF nor law enforcement will need to repeat the interviews with any family members. Law enforcement often holds additional interviews to further validate information gathered. DCYF follows up with the family to provide assessment, services and support. Each discipline should keep the other updated as to the status of any continued investigation, intervention, service provision, and/or proceeding.

Matters of evidence and reports from third parties (hospitals, schools and therapists) are shared in accordance with the laws and rules regarding confidentiality.

<i>DCYF</i>	<i>LAW ENFORCEMENT</i>
<p>Whether the criminal matter is pursued or dismissed, DCYF has a continuing responsibility and commitment to the child and the family system.</p> <p>DCYF is also responsible for seeing the family through the crisis created by the intrusion of the investigation. The family system needs to be a strong part of the decision-making about the</p>	<p>The sexual or physical abuse/assault of children is difficult to prove in a court of criminal law. First, law enforcement must establish the fact that criminal activity or an incident of criminal activity took place. Law enforcement must then identify and prove who was responsible for that activity. Upon the completion of initial interviewing and evidence and report gathering, law enforcement</p>

<p>services necessary to help them through the trauma.</p> <p>If there is concern voiced by a family member regarding potential domestic violence, DCYF may want to help the family create an action plan, which may include the filing of a domestic violence petition in district court and referral to the local domestic violence crisis center. If the alleged offender is arrested and held on bail, DCYF will develop a family-centered service plan, which needs to include how to handle the situation should the alleged offender be released. Referrals may be made for therapeutic intervention, which is often needed immediately to diffuse the guilt, anger, and confusion felt by the child, any siblings, and the parent remaining at home.</p> <p>No matter what the circumstances are following the initial assessment, DCYF is responsible for securing the immediate safety of the child. They must assess the needs of the family, and the strengths and supports the family has, to address those needs. Agency intervention may be short term, depending on the dynamics within the family, the degree of cooperation demonstrated and the depth of the problems found. The service principles of intervention are:</p> <ol style="list-style-type: none"> 1. Each family assessment must recognize the important role of individuals, families and communities in defining problems and developing solutions, and the necessity of client participation in service planning for their own families, with time-limited agency intervention. 2. A unified service delivery system which is community-based and organized around local needs, with clearly defined roles and responsibilities among all service providers, and the use of familiar supports, such as family and friends, and community supports whenever possible. 3. An advocacy approach to services which recognizes the uniqueness of individual, family and community strengths and promotes a climate of respect for families and responsiveness that places the child and family's concerns above all others. 	<p>assesses the strength of its case based on:</p> <ol style="list-style-type: none"> 1. The nature and severity of allegations; 2. The quality and availability of witnesses and other evidence (i.e., the age, maturity, credibility, competency and consistency of the child victim as the key witness in a sexual abuse/assault incident, the willingness of a medical professional to testify that sustained injuries were "suspicious", the result of abusive activity); 3. The quality and availability of admissible evidence; 4. Any prior criminal record of the alleged offender, and its relevance to these present allegations; and 5. The alleged offender's willingness to cooperate and plead to the charges. <p>In light of the above factors, law enforcement may exercise different courses of action which may include, but are not limited to, the following options:</p> <ol style="list-style-type: none"> 1. Dismiss the allegations and turn the matter over to DCYF in entirety. If the criminal case is weak, or if the allegations are unfounded, law enforcement may choose to take no further action. 2. Continue to investigate the matter in an effort to establish a criminal case (i.e., gather more evidence, seek additional collateral resources, re-interview parties). 3. File criminal charges based on investigation findings and pursue the matter to full criminal prosecution. 4. Postpone filing criminal charges until the victim is able and willing to testify (i.e., is older or has received counseling). 5. Law enforcement may also seek treatment for the perpetrator, as part of criminal sentencing.
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<p>The social circumstances under which a family lives, contribute to child abuse, neglect and personal problems for its members. Often parents or others who mistreat children are beset by problems that overwhelm them, such as alcohol and drug abuse. These parents are frequently lonely and isolated. Many of these parents report that they, too, were poorly treated by their own parents. Others are pressured by the extreme stress produced by poverty, illness, illiteracy, or lack of employment, decent housing and/or medical care. Some parents may not be able to handle the normal stresses of raising children or surviving in today's competitive society without some help.</p>	
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CONCLUSION

Child abuse and neglect are community problems that require community solutions. Interagency collaboration between law enforcement, DCYF and other community agencies has proven to be most effective in lessening the trauma of intervention to child victims and their families. Interagency collaboration, particularly between law enforcement and DCYF, is critical to protect children, prepare a quality investigation for a potential prosecution, lessen the trauma of intervention, and to successfully link families to helping and empowering services.

APPENDICES

APPENDIX A

CHILD ABUSE AND NEGLECT MANDATORY REPORTING LAW

1. Reporting is Mandatory

New Hampshire Law (RSA 169-C:29-30) requires that any person who has reason to suspect that a child under the age of 18 has been abused or neglected must report the case to: **New Hampshire Division of Children, Youth and Families - Central Intake 1-800-894-5533.**

2. An Abused Child is one who has:

- a. Been sexually molested; or
- b. Been sexually exploited; or
- c. Been intentionally physically injured; or
- d. Been psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or
- e. Been physically injured by other than accidental means.

3. A Neglected Child means a child:

- a. Who has been abandoned by his parents, guardian, or custodian; or
- b. Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health, when it is established that his health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian.

Note: A child who is under treatment solely by spiritual means through prayer, in accordance with the tenets of a recognized religion by a duly accredited practitioner thereof, shall not for that reason alone be considered to be neglected.

4. Nature and content of Report

- a. Oral - immediately by telephone or otherwise.
- b. Written - within 48 hours if requested.
- c. Content - if known.
 1. Name and address of the child suspected of being neglected or abused.
 2. Name of parents or persons caring for child.
 3. Specific information indicating neglect or the nature of the abuse (including any evidence of previous injuries.)
 4. Identity of parents or persons suspected of being responsible for such neglect or abuse.
 5. Any other information which might be helpful or is required by the bureau.

5. Immunity from Liability

Anyone who makes a report in good faith is immune from any liability, civil or criminal. The same immunity applies to participation in any investigation by the bureau or judicial proceedings resulting from such a report.

6. Privileged Communication

"The privileged quality of communication between a professional person and his patient or client, except that between attorney and client, shall not apply to a proceedings instituted pursuant to this chapter and shall not constitute grounds of failure to report as required by this chapter."

7. Penalty

Violation of any part of the New Hampshire Child Protection Act, including failure to report is punishable by law. "Anyone who knowingly violates any provision of this subdivision shall be guilty of a misdemeanor." (RSA 169-C:39.) In New Hampshire, a misdemeanor is punishable by up to one year's imprisonment, a one thousand-dollar fine, or both.

APPENDIX B

DEPARTMENT OF HEALTH & HUMAN SERVICES DISTRICT OFFICES

<u>DISTRICT OFFICE</u>	<u>STREET/MAILING ADDRESS</u>	<u>TELEPHONE/FAX</u>
BERLIN	219 Main Street, Suite 2 Berlin, New Hampshire 03570	752-7800 1-800-972-6111 FAX: 752-2230
CLAREMONT	17 Water Street, Suite 301 Claremont, New Hampshire 03743	542-9544 1-800-982-1001 FAX: 542-1707
CONCORD	40 Terrill Park Drive, Unit 1 Concord, New Hampshire 03301	271-6200 1-800-322-9191 FAX: 271-6451
CONWAY	Route 16 (Madison) PO Box 2210 Conway, New Hampshire 03818	447-3841 1-800-552-4628 FAX: 447-1988
DOVER	90 Washington Street PO Box 459 Dover, New Hampshire 03820	749-1646 FAX: 749-3409
KEENE	809 Court Street Keene, New Hampshire 03431	357-3510 1-800-624-9700 FAX: 352-2598
LACONIA	65 Beacon Street West PO Box 634 Laconia, New Hampshire 03247	542-4485 1-800-322-2121 FAX: 528-4105
LITTLETON	551 Meadow Street Littleton, New Hampshire 03561	444-6786 1-800-552-8989 FAX: 444-0782
MANCHESTER	361 Lincoln Street Manchester, New Hampshire 03103	668-2330 1-800-821-0326 FAX: 668-5442
NASHUA	19 Chestnut Street PO Box 1025 Nashua, New Hampshire 03061	883-7726 1-800-852-0632 FAX: 883-2064
PORTSMOUTH	30 Maplewood Avenue, Suite 200 Portsmouth, New Hampshire 03801	433-8300 1-800-821-0326 FAX: 431-0731
ROCHESTER	150 Wakefield Street, Unit 22 Rochester, New Hampshire 03867	332-9120 1-800-862-5300 FAX: 335-5993
SALEM	154 Main Street, Suite 1 Salem, New Hampshire 03079	893-9763 1-800-852-7492 FAX: 890-3909

APPENDIX C

DOMESTIC VIOLENCE/SEXUAL ASSAULT CRISIS CENTERS STATE OF NEW HAMPSHIRE

These centers provide the following free, confidential services to victims of sexual assault and domestic violence:

- * 24 Hour Crisis Line
- * Court Advocacy
- * Emotional Support

- * Medical and Legal Options and Referrals
- * Peer Counseling and Support Groups
- * Emergency Shelter

RESPONSE to Sexual & Domestic
Violence
c/o Coos County Family Health Service
54 Willow Street
Berlin, NH 03570
1-800-852-3388 (crisis line)
752-5679 (Berlin Office)
237-8746 (Colebrook Office)
788-2562 (Lancaster Office)

Women's Supportive Services
11 School Street
Claremont, NH 03743
1-800-639-3130 (crisis line)
543-0155 (Claremont Office)
863-4053 (Newport Office)

Rape and Domestic Violence
Crisis Center
PO Box 1344
Concord, NH 03302-1344
1-800-852-3388 (crisis line)
225-7376 (Office)

Starting Point: Services for Victims
of Domestic & Sexual Violence
PO Box 1972
Conway, NH 03818
1-800-336-3795 (crisis line)
356-7993 (Conway Office)
539-5506 (Ossipee Office)

Women's Crisis Service of the
Monadnock Region
12 Court Street
Keene, NH 03431-3402
352-3782 (crisis line)
532-6800 (Jaffrey Office)

New Beginnings
A Women's Crisis Center
PO Box 622
Laconia, NH 03246
1-800-852-3388 (crisis line)
528-6511 (Office)

Women's Information Serv. (WISE)
79 Hanover Street, Suite 1
Lebanon, NH 03766
448-5525 (crisis line)
448-5922 (Office)

The Support Center Against Domestic
Violence and Sexual Assault
PO Box 965
Littleton, NH 03561
444-0544 (crisis line)
444-0624 (Littleton Office)
747-2441 (Woodsville Office)

YWCA Crisis Service
72 Concord Street
Manchester, NH 03101
668-2299 (crisis line)
625-5785 (Manchester Office)
432-2687 (Derry Office)

Rape and Assault Support Services
PO Box 217
Nashua, NH 03061-0217
883-3044 (crisis line)
889-0858 (Nashua Office)
672-9833 (Milford Office)

Task Force Against Domestic and Sexual
Violence
PO Box 53
Plymouth, NH 03264
536-1659 (crisis line)
536-3423 (Office)

A Safe Place
PO Box 674
Portsmouth, NH 03801
1-800-852-3388 (crisis line)
330-0214 (Rochester office)
890-6392 (Salem office)

Sexual Harassment and Rape Prevention
Program
(SHARPP)
UNH, 202 Huddleston Hall
Durham, NH 03824
862-1743 (crisis line)
862-3494 (office)

Sexual Assault Support Services
7 Junkins Avenue
Portsmouth, NH 03801
1-888-747-7070 (crisis-toll free)
436-4107 (Portsmouth Office)
332-0775 (Rochester Office)

APPENDIX D

NEW HAMPSHIRE VICTIM/WITNESS ASSISTANCE PROGRAMS

Office of Victim/Witness Assistance
Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397
271-3671

Belknap County Victim/Witness Program
Belknap County Superior Courthouse
64 Court Street
Laconia, NH 03246
527-5440

Carroll County Victim/Witness Program
PO Box 218
Ossipee, NH 03864
539-7769

Cheshire County Victim/Witness Program
PO Box 612
Keene, NH 03431
352-0056

Coos County Victim/Witness Program
55 School St., Suite 102
Lancaster, NH 03584
788-3812

Grafton County Victim/Witness Program
RR 1, Box 65E
North Haverhill, NH 03774
787-6968

Hillsborough County Victim/Witness Program
300 Chestnut Street
Manchester, NH 03101
627-5605

Hillsborough County Attorney's Office
Southern District
Victim/Witness Program
19 Temple Street
Nashua, NH 03060
594-3256

Merrimack County Victim/Witness Program
4 Court Street
Concord, NH 03301
228-0529

Rockingham County Victim/Witness Program
PO Box 1209
Kingston, NH 03848
642-4249

Strafford County Victim/Witness Program
PO Box 799
Dover, NH 03821-0799
749-4215

Sullivan County Victim/Witness Program
14 Main Street
Newport, NH 03773
863-8345

Victim's Compensation Board
NH Attorney General's Office
33 Capitol Street
Concord, NH 03301
271-1284
1-800-300-4500

NH State Police-Investigative Services
Dept. of Safety
10 Hazen Drive
Concord, NH 03305
271-2663

United States Attorney's Office
District of New Hampshire
James C. Cleveland Federal Bldg.
55 Pleasant St., Suite 312
Concord, NH 03301
225-1552

NH Department of Corrections
Victim Services
PO Box 1806
Concord, NH 03302-1806
271-1937

APPENDIX E

NEW HAMPSHIRE COUNTY ATTORNEY OFFICES

Belknap County Attorney
64 Court Street
Laconia, New Hampshire 03246
(603) 527-5440

Carroll County Attorney
PO Box 218
Ossipee, New Hampshire 03864
(603) 539-7769

Cheshire County Attorney
PO Box 612
Keene, New Hampshire 03431
(603) 352-0056

Coos County Attorney
55 School Street
Lancaster, New Hampshire 03584
(603) 788-3812

Grafton County Attorney
RR 1, Box 65E
North Haverhill, New Hampshire 03774
(603) 787-6968

Hillsborough County Attorney
Northern District
300 Chestnut Street
Manchester, New Hampshire 03101
(603) 627-5605

Hillsborough County Attorney
Southern District
19 Temple Street
Nashua, New Hampshire 03060
(603) 594-3250

Merrimack County Attorney
4 Court Street
Concord, New Hampshire 03301
(603) 228-0529

Rockingham County Attorney
PO Box 1209
Kingston, New Hampshire 03848
(603) 642-4249

Strafford County Attorney
PO Box 799
Dover, New Hampshire 03821-0799
(603) 749-4215

Sullivan County Attorney
14 Main Street
Newport, New Hampshire 03773
(603) 863-8345

APPENDIX F

CHILD ABUSE REFERRAL EVALUATIONS (CARE) NETWORK

The CARE NETWORK. . .

What is it?

It is a network of physicians and nurses in New Hampshire who provide medical evaluations and treatment of children who may have been abused or neglected.

CARE providers work cooperatively with the NH Department of Health and Human Services, Division for Children, Youth, and Families (DCYF), law enforcement professionals, and social service agencies and provide medical services, reports, consultations, and court testimony.

To maintain their skills, CARE providers attend local and national educational conferences, most regularly to review cases and discuss ways to work most efficiently with other professionals who deal with abused and neglected children.

How are CARE evaluations arranged?

To make an appointment, call the CARE provider in the nearest town or city. This helps facilitate working relationship between local providers and the court system. Children are seen in the providers' usual medical offices during regular office hours.

What about a child's regular doctor?

Many providers feel comfortable doing medical evaluations for abused and neglected children themselves. Others prefer the children see a CARE provider. This decision can be made with the family and the child's regular doctor.

Who are the providers in the network?

Patricia Edwards, MD

248 Pleasant Street, Suite 1700
Concord, NH 03301
(603) 224-1929

Wendy Gladstone, MD

Exeter Pediatric Associates
9 Buzell Avenue
Exeter, NH 03833
(603) 772-8900

Patricia Glowa, MD

Community Health Care
1 Medical Center Drive
Lebanon, NH 03756
(603) 650-4000

Terri Lally, MD

Rachel Laramée, MD

Dover Pediatrics
17 Old Rollinsford Rd.
Dover, NH 03820-2827
(603) 742-4048

Deborah Pullin, ARNP

Dartmouth-Hitchcock Med. Ctr.
1 Medical Center Drive
Lebanon, NH 03756
(603) 650-5000

Richard Slosberg, MD

Public Health Dept.
18 Mulberry Street
Nashua, NH 03060
(603) 594-3355

William Straughn, MD

Hitchcock Medical Center
Hitchcock Way
Manchester, NH 03104
(603) 695-2500

Jennifer Weeks, RN

243 Elm Street
Claremont, NH 03743
(603) 542-3444

APPENDIX G

SEXUAL ASSAULT NURSE EXAMINER (SANE) PROGRAM

New Hampshire's goal is to provide statewide consistent care that respects the emotional and physical needs of the sexual assault/sexual abuse victim while collecting the best possible forensic evidence to promote the effective prosecution of the offender. The State recognizes the many emergency department physicians and nurses who are currently providing excellent care to victims of sexual assault/sexual abuse. In an effort to ensure that this care is uniform and standardized throughout the State, the Sexual Assault Nurse Examiner (SANE) Program was created.

A Sexual Assault Nurse Examiner is a Registered Nurse who has been specially trained to provide comprehensive care to victims of sexual assault/sexual abuse and who has demonstrated competency in conducting a forensic examination. The SANE provides compassionate, consistent care throughout the examination. The SANE provides compassionate, consistent care throughout the examination process, conducts a timely medical and forensic examination, and provides appropriate referral for follow-up care and counseling services in an effort to avoid further trauma to the victim. Sexual Assault Nurse Examiners are certified by the New Hampshire Department of Justice and are available to provide expert witness testimony when needed.

SANE programs have been in existence throughout the United States for over twenty years. In 1995, the first New Hampshire SANE Program was implemented at Valley Regional Hospital in Claremont. In 1996, the Office of Victim/Witness Assistance in the New Hampshire Department of Justice established a multidisciplinary Task Force that reviewed and adopted the model for the New Hampshire Statewide SANE Program. The New Hampshire Sexual Assault Nurse Examiner Advisory Board was formed to oversee the Program and in October 1996 twenty nurses were trained and certified by the New Hampshire Department of Justice as Sexual Assault Nurse Examiners.

The goal is to have all sexual assault/sexual abuse medical and forensic examinations in New Hampshire performed by Sexual Assault Nurse Examiners or physicians who have gone through the SANE training. SANE Certification training for new applicants, as well as continuing re-certification training programs are offered throughout the year. For more information and a current list of pediatric Sexual Assault Nurse Examiners, please contact the SANE Coordinator at 224-8893, extension 307.

APPENDIX H

ANATOMICAL DRAWINGS

APPENDIX I (Front)

PHOTOGRAPHY TEMPLATE

Photographer: _____

Date: _____ Time: _____

Location: _____

Incident: _____

(CASE NUMBER)

ROLL # _____

APPENDIX I (Back)

APPENDIX J

MANDATORY ARREST LAW FOR VIOLATION OF CHILD PROTECTIVE ORDERS

§169-C:21-a. Violation of Protective Order; Penalty. RSA 169-C:21-a effective January 1, 2001.

- I. (a) When a person subject to a protective order under RSA 169-C:16, I(d)(1) or RSA 169-C:19, II(a)(1) violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.
(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.
- II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.
- III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.
- IV. Any person convicted under paragraph III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses under this chapter may be charged with an enhanced penalty for each subsequent offense as follows:
 - (a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;
 - (b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;
 - (c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;
 - (d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor; and
 - (e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

